

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENNETH CURRY, RICARDO  
MAZZITELLI and JACQUELINE BROWN-  
PILGRIM,

Plaintiffs,

- against -

P&G AUDITORS AND CONSULTANTS,  
LLC, GRC SOLUTIONS, LLC, PGX, LLC  
and APPLE BANCORP, INC,

Defendants

- and -

PGX, LLC,

Crossclaim  
Plaintiff,

- against -

KDC CONSULTING, LLC, KENNETH  
CURRY (IN HIS CAPACITY AS  
MANAGING MEMBER OF KDC  
CONSULTING, LLC), BROPIL  
CONSULTING, LLC, JACQUELINE  
BROWN-PILGRIM (IN HER CAPACITY  
AS MANAGING MEMBER OF BROPIL  
CONSULTING, LLC), and DENNIS  
PILGRIM (IN HIS CAPACITY AS  
MANAGING MEMBER OF BROPIL  
CONSULTING, LLC),

Crossclaim  
Defendants.

Case No. 20-cv-6985-LTS-SLC

**If you provided services as an Anti Money Laundering investigator, an Anti Money Laundering Quality Assurance reviewer, or a Team Lead on either of the Apple Bank Lookback Review Projects, please read this notice.**

**A pending collective action lawsuit may affect your legal rights.**

*This is not a solicitation from a lawyer.*

Three individuals who provided services in connection with one or both of two Apple Bank Lookback Review projects have sued P&G Auditors and Consultants, LLC (“P&G”), GRC Solutions, LLC (“GRC”), PGX, LLC (“PGX”) (P&G, GRC, and PGX are collectively referred to as the “Contractor Defendants”) and Apple Bancorp, Inc. d/b/a Apple Bank for Savings (“Apple Bank”) (the Contractor Defendants and Apple Bank collectively referred to as “Defendants”) for allegedly unpaid overtime compensation for Anti Money Laundering investigators, Anti Money Laundering Quality Assurance reviewers, and Team Leads.

- The Court has conditionally certified this lawsuit as a collective action under the Fair Labor Standards Act (“FLSA”). The collective members consist of Anti Money Laundering investigators (AMLs), Anti Money Laundering Quality Assurance reviewers (“QAs”), and Team Leads (“TLs”) who provided services in connection with the Apple Bank Lookback Review project at any time from [3 years and 102 days before mailing] to the present.
- The Court has not decided who is right and who is wrong. There is no money or settlement available now and there is no guarantee that any money will be made available to those who join the collective action. The Court neither encourages nor discourages any person from joining the collective action.
- Your legal rights may be affected, and you have a choice to make by [60 days after notice mailing].

## **I. BASIC INFORMATION**

### **1. Why did I get this Notice?**

Defendants’ records show that you provided services in connection with one or more of the Apple Bank Lookback Review projects as an AML, QA, or TL at some time between [3 years and 102 days before mailing date] and the present. This Notice explains that the Court has authorized Plaintiffs to provide you with notice of pendency of this lawsuit under the FLSA. You have legal rights and options that you may exercise. A trial may be necessary to decide whether the claims being made against Defendants are correct or whether the various defenses to those claims are correct.

### **2. What is this lawsuit about?**

This lawsuit is about whether Defendants properly paid AMLs, QAs, or TLs in accordance with federal law. In particular, this notice relates to Plaintiffs’ claims that Defendants violated federal law by failing to pay AMLs, QAs, and TLs overtime compensation for every hour worked over 40 per workweek.

**3. What is Defendants' position?**

Defendants deny all of Plaintiffs' claims. The Contractor Defendants maintain that each of the AMLs, QAs and TLs was properly classified as an independent contractor rather than an employee, and that, as such, no AML, QA or TL is legally entitled to any additional compensation.

In addition, Apple Bank has made a motion asking the Court to dismiss all claims against it. The Court has not yet decided whether or not to dismiss the claims against Apple Bank.

**4. Have Defendants Asserted Crossclaims Against Plaintiffs and Potential Opt-Ins?**

PGX maintains that its contracting counterparties are under a duty to defend it in connection with any claims arising under their respective agreements. Any individual who opts into the litigation or its business entity may be held accountable for costs associated with the litigation, and may be subject to crossclaims asserted by PGX. A trial may be necessary to decide whether any crossclaims being made by PGX are correct or whether the various defenses to those claims are correct.

**5. What is a collective action and who is involved?**

In a collective action lawsuit, one or more persons sue on behalf of other people who may have similar claims under the FLSA. All AMLs, QAs, or TLs who decide to participate in the case must file the attached Consent to Sue form to become "opt-in plaintiffs." One court may resolve the issues for everyone who decides to join the case as opt-in plaintiffs, although the Court has not made a final decision as to whether all opt-in plaintiffs' claims will ultimately be litigated together.

**6. Has the Court decided who is right?**

The Court has not decided whether Plaintiffs or Defendants are correct. By issuing the Notice, the Court is not suggesting that either the Plaintiffs or PGX will prevail on their claims.

**7. Is there any money available now?**

No money or benefits are available now because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, and if you join the FLSA collective action, you will be notified.

**II. WHO IS IN THE COLLECTIVE?**

**8. Am I a part of the FLSA Collective?**

The Court has decided that any individual who provided services on the Apple Bank Lookback Review project as an AML, QA, or TL at any time between [3 years and 102 days prior to mailing] and the present is eligible to join the FLSA Collective. You are not a member of the FLSA Collective unless you return the Consent to Sue form in a timely manner, which will be filed with the Court.

**9. I'm still not sure if I am included.**

If you are still not sure whether you are included, you can get free help by calling Plaintiffs' Counsel, Julia H. Klein, Esq., at Klein Law Group of New York, PLLC at (347) 292-8170 or writing Plaintiffs' counsel at [jklein@kleinlegalgroup.com](mailto:jklein@kleinlegalgroup.com).

**10. Can I participate in this lawsuit even though, due to my immigration status, I was not working at Defendants legally?**

Yes. Your immigration status does not affect your entitlement to recover back wages or participate in this lawsuit.

**11. Can Defendants retaliate against me because I am part of this case?**

**Federal law prohibits Defendants from retaliating against any individual protected under the FLSA.** If you have any questions about this, contact Klein Law Group of New York, PLLC at (347) 292-8170.

**III. YOUR RIGHTS AND OPTIONS**

You have to decide whether to file the attached Consent to Sue form to assert your FLSA claims.

**12. How do I join the FLSA Collective?**

If you choose to join the FLSA Collective, you have to read, sign, and promptly return the Consent to Sue form at the end of this Notice. The form must be sent to:

Julia H. Klein, Esq.  
120 East 79<sup>th</sup> Street, Suite 1A  
New York, New York 10021  
(347) 292-8170  
[jklein@kleinlegalgroup.com](mailto:jklein@kleinlegalgroup.com)

If you want to join the lawsuit, your consent form must be postmarked no later than [60 days from mailing]. If your signed Consent to Join Form is not postmarked, emailed, or faxed by [60 days from mailing], you may not be allowed to participate in the federal law portion of this lawsuit.

**13. What happens if I join the FLSA Collective?**

If you join this lawsuit and remain part of the collective, you will be bound by any ruling, settlement or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or judgment favorable to the party-plaintiffs. By joining this lawsuit, you designate Plaintiffs as your representatives, and to the fullest extent possible, you designate Plaintiffs to make decisions on your behalf concerning the case, the method and manner of

conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to the lawsuit will be binding on you if you join the lawsuit.

If you elect to join this case, you may be required to participate in the discovery process under the supervision of this Court, including responding to written interrogatories and document production requests, appearing at a deposition, and, potentially, testifying at a trial in this matter. In addition, as discussed in more detail in Paragraph 4 above, you or your business entity may be subject to crossclaims asserted by PGX.

#### **14. What happens if I do nothing at all?**

If you choose not to join this lawsuit, you will not be affected by any settlement or judgment rendered in this case, whether favorable or unfavorable. You may lose the ability to assert federal claims because of the running of the statute of limitations.

### **IV. THE LAWYERS REPRESENTING YOU**

#### **15. Do I have lawyers in the case?**

If you join the lawsuit, you will become a “party plaintiff” and, unless you inform Plaintiffs’ counsel or the Court in writing, you will be represented by Julia H. Klein, Esq. of Klein Law Group of New York, PLLC., D. Maimon Kirschenbaum, Esq. and Denise A. Schulman, Esq. of Joseph & Kirschenbaum LLP, and Melissa Mazzitelli, Esq. of the Mathis Law Group. You also have the right to hire your own attorney should you wish to.

The attorneys’ fee arrangement for this case provides that Plaintiffs’ counsel is handling this matter on a contingency basis, *i.e.*, that the attorneys’ fees and costs will be determined on a percentage basis based on the recovery on behalf of Plaintiffs. If there is no recovery or judgment in Plaintiffs’ favor, Plaintiffs’ counsel will not seek any attorneys’ fees from any of the Plaintiffs. The agreement further provides that at the conclusion of the case, Plaintiffs’ counsel will make an application to the Court for the recovery of fees and costs, that the Court has discretion of the amount of fees to award, and that the fees may be as much as one-third of any settlement fund or judgment.

The Contractor Defendants are represented by Brian Gershengorn, Esq., Seth Kaufman, Esq. and Justin Reiter, Esq., Fisher & Phillips LLP, 620 Eighth Avenue, 36<sup>th</sup> Floor, New York, New York 10018.

The Apple Bank Defendants are represented by Dean G. Yuzek, Esq., Ingram Yuzek Gainen Carroll & Bertolotti, LLP, 150 E 42nd Street 19th Floor, New York, NY 10017.

**16. Should I get my own lawyer?**

Of course, if you do want to hire your own lawyer, you may do so. Otherwise, you can retain Julia H. Klein, Esq. of Klein Law Group of New York, PLLC, D. Maimon Kirschenbaum, Esq. and Denise A. Schulman, Esq. of Joseph & Kirschenbaum LLP, and Melissa Mazzitelli, Esq. of the Mathis Law Group.

**17. Are there more details available?**

Yes. If you have any questions or require additional information, please contact:

Julia H. Klein, Esq.  
120 East 79<sup>th</sup> Street, Suite 1A  
New York, New York 10021  
(347) 292-8170  
[jklein@kleinlegalgroup.com](mailto:jklein@kleinlegalgroup.com)

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**CONSENT TO JOIN FORM**

1. I consent to be a party plaintiff in this lawsuit.
2. I hereby designate the Named Plaintiffs and the Klein Law Group of New York, PLLC, Joseph & Kirschenbaum LLP, and Mathis Law Group to represent me in such lawsuit

and to make decisions on my behalf concerning the litigation and settlement. I understand that reasonable costs expended on my behalf will be deducted from any settlement or judgment amount on a pro rata basis among all other plaintiffs. I understand that Klein Law Group of New York, PLLC, Joseph & Kirschenbaum LLP, and Mathis Law Group will petition the Court for attorneys' fees from any settlement or judgment in the amount of the greater of: (1) the "lodestar" amount, calculated by multiplying reasonable hourly rates by the number of hours expended on the lawsuit, or (2) 1/3 of the gross settlement or judgment amount. I agree to be bound by any adjudication of this action by a court, whether it is favorable or unfavorable.

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Signature

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Address\*

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Full Legal Name (print)

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City, State, Zip Code\*

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Phone number\*

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E-mail address\*

[\\*This information will not be publicly filed](#)